Attorney's Docket No. 005220.P004   Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
)
   David D. Faraldo II   ) Examiner: Leroux, Etienne Pierre
)
Application No.: 10/020,123   ) Art Group: 2161
)
Filed: October 30, 2001   )
)
For: ALERT MANAGEMENT DATA   )
      INFRASTRUCTURE AND   )
      CONFIGURATION GENERATOR   )

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, David D. Faraldo II, declare the following:

1.   I am an inventor of the above identified patent application.

2.   I have reviewed the application, including the claims of the application, and I have also reviewed a copy of the current claims which are pending (a copy of which is attached as Exhibit A).

3.   The declaration made herein is to establish reduction to practice of the invention prior to March 27, 2001, which is the effective filing date of the Provisional Patent Application for U.S. Patent Application Publication 2002/0178246 A1.

4.   The claimed invention was implemented prior to March 27, 2001. Hence, the claimed invention was reduced to practice prior to March 27, 2001.

5.   Exhibit B attached herewith is a title page of a Product Requirements Document (PRD) for NOCpulse Internet Operational Support Service, dated August 30, 2000, i.e., prior to March 27, 2001. The PRD describes the NOCpulse service incorporating the Telalert system which is the subject matter of the above identified patent application.

6.   Exhibit C attached herewith includes page 10 of the PRD, stating that the Telalert system has been integrated into the NOCpulse service. Page 10 describes the

Telalert system that provides the functionality of the presently claimed invention. As stated above, the PRD is dated prior to March 27, 2001.

7.   Based on the above description and as is evident from the attached exhibits, the reduction to practice of the subject matter described in the present application was prior to March 27, 2001.

9.   I declare, to the best of my knowledge, that all statements made in this document are true, and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Dated: 2006 - 11 - 30

Name: David D. Faraldo II

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Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF DAVID PARKER
UNDER 37 C.F.R. § 1.132

I, David Parker, hereby declare and say as follows:

I participated in the development and implementation of the product covered in the patent application referenced above.

I currently hold the position of Sr. Software Engineer – Red Hat, Incorporated, the assignee of the subject application. I have been employed by Red Hat since 9/2006. Prior to my appointment to my present position, I have held the position of Sr. Software Engineer & Co-Founder at NOCpulse, Incorporated, subsequently acquired by Red Hat.

I have extensive experience in the field of web-based infrastructure management and, particularly, in the field of alert management systems. As such, I believe I am

Application No.: 09/262,365   -1-   Attorney Docket No.: 004085.P013

familiar with the knowledge of one of ordinary skill in the art relating to the invention. 1 also understand the present invention.

The Examiner rejected claims 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

I understand that it is the Examiner's position that the specification does not contain a clear and concise description of:

(1)   "the claimed computer-implemented method of validating configuration information specified by a user prior to storing the configuration information in a database such that a skilled technician can make and user the invention;" and

(2)   "the claimed computer-implemented method of identifying one of a plurality business sites such that a skilled technician can make and user the invention."

1.   With respect to the computer-implemented method of validating configuration information specified by a user, it appears that the Examiner has not appreciated portions of the detailed description section of the present application that discusses such a method. For example, according to the present specification, Figure 3 illustrates one embodiment of an alert management system 300 that includes a configuration database 320 and a configuration generator 330 (page 13, para [0066]); Figure 6 illustrates "one embodiment of a configuration generator in the form of digital processing system 600 representing an exemplary workstation, personal computer, server, etc., in which features of the present invention may be implemented" (page 18, para [0082]); Figure 4 illustrates a flow diagram of one embodiment of a method for

generating a TelAlert configuration file by the alert management system 300 (pages 13-14, para [0067]). Hence, it is apparent from the above descriptions of Figures 3, 4 and 6 that the method illustrated in Figure 4 is computer-implemented.

Furthermore, the detailed description of Figure 4 specifically states that the method for generating a TelAlert configuration file includes validating configuration information specified by a user prior to storing the configuration information in the database. For example, the detailed description of Figure 4 states the following with respect to one embodiment of the method for generating a TelAlert configuration file:

> Storing the configuration information in the manner allows for more administrative control and validation. In one embodiment, database stored procedures ... may be used to provide validation to the insertion ... of new configuration information to the configuration database 320. Therefore, in this way database protocols are used to provide ... value validation checks ... automatically. For example, in this way, a section may be defined to be unique within a table, an administrator may determine which contact methods 540 belong to which contact, or provide a stored procedure that will prevent a contact method from existing without first creating a contact, among other examples. Neither configuration method as described in the prior art allows for such administrative, access and validation control.

(Specification, page 15, para [0073])

Thus, the specification contains a clear and concise description of the claimed computer-implemented method of validating configuration information specified by a user prior to storing the configuration information in a database such as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Based on the above description, a skilled technician can make and use the invention with no undue burden of experimentation.

2.   With respect to the claimed computer-implemented method of identifying one of

a plurality business sites, it appears that the Examiner has not accurately reproduced the

claim language that recites:

> 1.   A computer-implemented method comprising:
>
>   ....
>
>   extracting at least a subset of the configuration information from the
> database based on an extraction parameter identifying one of a plurality of
> business sites;....

This language is fully supported by the present specification. For example, as

discussed above, according to the present specification, Figure 3 illustrates one

embodiment of an alert management system 300 that includes a configuration database

320 and a configuration generator 330 (page 13, para [0066]); Figure 6 illustrates "one

embodiment of a configuration generator in the form of digital processing system 600

representing an exemplary workstation, personal computer, server, etc., in which features

of the present invention may be implemented" (page 18, para [0082]); Figure 4 illustrates

a flow diagram of one embodiment of a method for generating a TelAlert configuration

file by the alert management system 300 (pages 13-14, para [0067]). Hence, it is

apparent from the above descriptions of Figures 3, 4 and 6 that the method illustrated in

Figure 4 is computer-implemented.

Furthermore, the detailed description of Figure 4 specifically states that the

method for generating a TelAlert configuration file includes extracting at least a subset of

configuration information from a database based on an extraction parameter identifying

one of multiple business sites. For example, the detailed description of Figure 4 states

the following with respect to one embodiment of the method for generating a TelAlert

configuration file:

When the configuration generator is executed, it is given an indication as to what business sites to extract configuration information for (e.g., a parameter indicating the extraction of business site A configuration information). The configuration generator will then extract the configuration information for this specific business site only.

(Specification, page 16, para [0075])

Thus, the specification contains a clear and concise description of the claimed computer-implemented method of extracting at least a subset of configuration information from a database based on an extraction parameter identifying one of multiple business sites such as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Based on the above description, a skilled technician can make and use the invention with no undue burden of experimentation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: _December 4_, 2006   _____
                                 David Parker

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